

Update: Adoption Proceedings Benchbook

CHAPTER 10

Paying the Costs of Foster Care and Adoption

10.5 Adoption Subsidies

A. Support Subsidies

Effective July 8, 2004, MCL 400.115f* was amended. Although the definition of “support subsidy” did not change, a new subsection was added to MCL 400.115f that changes the citation for the definition of “support subsidy.” In the first paragraph on page 281, change the citation for the definition of a “support subsidy” to MCL 400.115f(v).

*See 2004 PA 193.

1. Requirements

Effective July 8, 2004, MCL 400.115g* was amended to change the requirements for the FIA certification of an adoptee for subsidies. MCL 400.115g(1)(a) no longer requires the FIA to certify that the adoptive parent has requested a support subsidy or that the adoptee is in foster care at the time the FIA certifies the support subsidy. Therefore, on page 281, replace the quote of MCL 400.115g(1) with the following text:

*See 2004 PA 193.

“(1) The [FIA] may pay a support subsidy to an adoptive parent of an adoptee who is placed in the home of the adoptive parent under the adoption code or under the adoption laws of another state or a tribal government, if all of the following requirements are met:

“(a) The [FIA] has certified that the adoptee is a child with special needs.

“(b) Certification is made before the adoptee’s eighteenth birthday.

“(c) Certification is made before the petition for adoption is filed.

“(d) The adoptive parent requests the support subsidy not later than the date of confirmation of the adoption.”

*Effective July 8, 2004.

2004 PA 193* amended the definition of “child with special needs” in MCL 400.115f(h). Previously, MCL 400.115f(h)(i) required the state to make several determinations. MCL 400.115f(h)(i) now requires a specific judicial finding that the child cannot or should not be returned to the home of the child’s parents. Near the bottom of page 281 and continuing on the top of 282, replace the quote of MCL 400.115f(h)(i)–(iii) with the following quote:

“(i) There is a specific judicial finding that the child cannot or should not be returned to the home of the child’s parents.

“(ii) A specific factor or condition, or a combination of factors and conditions, exists with respect to the child so that it is reasonable to conclude that the child cannot be placed with an adoptive parent without providing adoption assistance under this act. The factors or conditions to be considered may include ethnic or family background, age, membership in a minority or sibling group, medical condition, physical, mental, or emotional disability, or length of time the child has been waiting for an adoptive home.

“(iii) A reasonable but unsuccessful effort was made to place the adoptee with an appropriate adoptive parent without providing adoption assistance under this act or a prospective placement is the only placement in the best interest of the child.”

2004 PA 193 eliminated the requirement in MCL 400.115g(1)(a)(iii) that the FIA certify that the adoptee was in foster care at the time the FIA certified the support subsidy. Therefore, delete the first full paragraph before the “**Note**” on page 282.

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C. Nonrecurring Adoption Expenses

2004 PA 193* amended the definition of “child with special needs” in MCL 400.115f(h). Previously, MCL 400.115f(h)(i) required the state to make several determinations. MCL 400.115f(h)(i) now requires a specific judicial finding that the child cannot or should not be returned to the home of the child’s parents. On page 287, replace the quote of MCL 400.115f(h)(i)–(iii) with the following quote:

*Effective July 8, 2004.

“(i) There is a specific judicial finding that the child cannot or should not be returned to the home of the child’s parents.

“(ii) A specific factor or condition, or a combination of factors and conditions, exists with respect to the child so that it is reasonable to conclude that the child cannot be placed with an adoptive parent without providing adoption assistance under this act. The factors or conditions to be considered may include ethnic or family background, age, membership in a minority or sibling group, medical condition, physical, mental, or emotional disability, or length of time the child has been waiting for an adoptive home.

“(iii) A reasonable but unsuccessful effort was made to place the adoptee with an appropriate adoptive parent without providing adoption assistance under this act or a prospective placement is the only placement in the best interest of the child.”